

**SENTENCING MINUTES**Date: 03/26/2021Judge: T.S. ELLIS IIIReporter: P. Kaneshiro-MillerTime: 11:31 a.m. – 12:52 p.m.

( 01:21 )

Case Number: 1:20-cr-00167-TSE-1

UNITED STATES OF AMERICA

Counsel/Govt: Russell Carlberg, Mark Cipolletti

v.

DANIEL BOICECounsel/Deft: Todd Richman

- Defense objects to the 2-level enhancement for sophisticated means -Overruled and argues for a sentence of 60 months incarceration and designation to FPC Pensacola, FL or FCI Morgantown, WV to be near his children and family.
- Gov't argues for a sentence of 97 months incarceration.

Court adopts PSI ( X )

without exceptions ( X )

with exceptions:

**SENTENCING GUIDELINES:**Offense Level: 30Criminal History: IImprisonment Range: 97 to 121 monthsSupervised Release Range: 1 to 3 years on each of Cts. 1 & 6Fine Range: \$30,000 to \$36,263,484.42Restitution \$18,527,086.25Special Assessment \$200 (\$100 on each count)**JUDGMENT OF THE COURT:**

- BOP for 97 months on each of Cts. 1 and 6 (concurrent)
- Supervised Release for 3 Years, with special conditions on each of Cts. 1 and 6 (concurrent): and as an added condition, defendant to refrain from soliciting money from investors for business ventures or establishing new lines of credit without permission from the PO; shall not engage in the offer, sale or brokering of any form of security or investment contract without the prior approval of the PO.
- Restitution of \$18,131,742.21 due immediately/ monthly installments of \$100 or 25% of net income to begin w/in 60 days of release from custody, with the individuals being paid first and then the companies.
- Special Assessment \$200 (\$100 on each count)
- Defendant advised of his right to appeal his sentence w/n 10 days.

**RECOMMENDATIONS to BOP:**

X Dft. To be designated to: a facility in FPC Pensacola, FL or FCI Morgantown, WV to be near his children and family.

\_\_\_\_\_ Dft. designated to facility to participate in ICC (Boot Camp) type program

\_\_\_\_\_ Dft. to participate in the Residential Drug Abuse Treatment Program (RDAP)

\_\_\_\_\_ Other: \_\_\_\_\_

Deft: ( ) Remanded ( X ) Cont'd on Bond to Self-Surrender no later than June 1, 2021. ( ) Referred to USPO